

## REMARKS

The above-identified application is United States application serial number 10/814,224 filed on April 1, 2004. Claims 1, 3-9, 11-16, 18-23, and 25-30 are pending in the application. Claims 1, 3-9, 11-16, 18-23, and 25-30 are rejected. Applicant respectfully traverses these rejections.

### Specification

The disclosure is objected to because paragraph [sic] 00186 recites "and carrier wave signals" which creates a non-statutory issue with regards to a computer readable medium. The Examiner requires appropriate correction, however, Applicant cannot find the passage referred to by the Examiner and there is no paragraph 00186 in the specification. Paragraph [0008] of the specification recites "[t]he method can be implemented on a computer, wherein a computer readable medium can contain a program for performing the method." Applicant respectfully request further clarification of the objection since the term "carrier wave signals" does not appear in the specification.

### Claim Objections

Claims 23, 25-30 are objected to and Applicant is requested to insert "storage" between "readable medium" in claims 23, 25-30. Appropriate correction is required, however the specification refers to the method being implemented on a computer, wherein a computer readable medium can contain a program for performing the method. Applicant submits that claim 23, 25-30 already recite statutory subject matter and removal of the object is respectfully requested. See, for example, file history and article of manufacture claims of Beauregard United States Patent No. 5,710,578.

## Claim Rejections - 35 USC § 103

Claims 1, 3-9, 11-16, 18-23, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher *et al.* (USP 6,085,243) in view of Hrastar (USP 7,359,676 B2) and further in view of Lewis *et al.* (USP 6,421,719 B1). Claim 1 recites:

"automatically displaying an indication of the source in response to determining the source, wherein determining the source includes: determining top talker sources over the first VLAN and the second VLAN; determining VLAN identifiers for the top talker sources; and displaying the indication if the VLAN identifier of at least one of the top talker sources is not the same as the VLAN identifier of a VLAN being tested."

Claim 9 recites "determine whether the source is outside a group of network elements assigned to the first set of nodes by checking top talker data to determine which of a plurality of top talker sources are not from the first set of nodes".

Claim 16 recites "determine whether the source is outside a group of network elements assigned to the first set of nodes by accessing source identifiers of top talker sources from management data".

Claim 23 recites "determining whether the source is outside a group of network elements assigned to the first set of nodes based on whether source identifiers for top talker sources are the same as a source identifier for the first set of nodes".

These features are supported by at least paragraphs [0016], [0017], and [0021] of the specification. None of the references, alone or in combination, disclose or suggest the features of independent claims 1, 9, 16, or 23.

Claims 3-8, 11-15, 18-22, and 25-30 depend from respective claims 1, 9, 16, and 23 and include features that further distinguish them from the cited references. Claims 1, 3-9, 11-16, 18-23, and 25-30 are distinguishable from the cited references for at least these reasons.

## **CONCLUSION**

The application, including all claims 1, 3-9, 11-16, 18-23, and 25-30, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the examiner is requested to contact the undersigned at (949)350-7301.

I hereby certify that this correspondence is being transmitted via electronic filing to the USPTO, on the date shown below:

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January 6, 2009  
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